

SENATE BILL REPORT

SB 5095

As of January 27, 2009

Title: An act relating to protecting the California condor and other vulnerable wildlife from the threat of lead poisoning.

Brief Description: Protecting the California condor and other vulnerable wildlife from the threat of lead poisoning.

Sponsors: Senators Jacobsen and Kline.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/26/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Karen Epps (786-7424)

Background: The Legislature has vested the Fish and Wildlife Commission (Commission) with the authority to adopt, amend, and repeal rules that deal with the equipment and methods that may be used in the state for taking wildlife and fish. The Commission has exercised this authority to prohibit the use of toxic shot in some of the state's wildlife areas and when hunting for waterfowl, coot, or snipe.

The crime of unlawful hunting of birds may be charged if an individual violates any Commission rule addressing the manner or method of hunting wild birds. The unlawful hunting of birds is prosecuted as a misdemeanor. Misdemeanors are punishable by up to 90 days in jail and a fine of up to \$1,000. Additional penalties of a \$1,000 criminal wildlife penalty assessment and a two-year revocation of a person's small game hunting privileges are required if an individual violates a Commission rule regarding the use of nontoxic shot.

According to S.R. Wilbur's book on the California Condor, the California Condor was once found along the Pacific Coast from British Columbia to Baja California. According to the California Department of Fish and Game, the number of condors dwindled to 27 birds by 1987. At that point, captive breeding of condors was begun to initiate reintroduction of the species. Reintroduction of captive birds began in 1992 in California and in 1996 in Arizona. The Oregon Zoo joined restoration efforts in 2003 with six breeding pairs. The Oregon Zoo is conducting field research of potential areas in Oregon for releasing condors, specifically along the Columbia River Gorge.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A person must not possess shot, other than nontoxic shot, when hunting game animals, game birds, or waterfowl in those areas in which waterfowl, California Condors, or other endangered, threatened, or sensitive species could be harmed by lead shot. The Commission will by rule determine the areas in which a person cannot possess shot other than nontoxic shot. Violation of this provision is a misdemeanor, with additional penalties of a \$1,000 criminal wildlife penalty assessment and a two-year revocation of a person's hunting privileges.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a good step towards combating lead poisoning in the environment. The scope of this bill should be expanded to protect all wildlife from poisoning from lead shot.

CON: There is concern about including game animals, specifically big game animals as they are not usually hunted with shot. Big game ammunition that does not contain lead is very expensive. This is premature as California condors are not in Washington. This bill seems to be implementing the Department of Ecology's lead program's initial suggestion to ban lead shot in the entire state. Prohibiting possession of lead shot does not actually accomplish the goal of keeping lead shot from being digested by wildlife because it is possible to possess lead shot without ever using lead shot.

Persons Testifying: PRO: Don Kraege, Washington Department of Fish and Wildlife; Miguel Perez-Gibson, Audubon Washington.

CON: Steve Martineau, Merton Cooper, Brian Judy, National Rifle Association.